

RULES FOR INTERSTATE COMPETITIONS

1. APPLICATION

1.1 Scope of Rules

These Rules apply to:

- (a) the ACB;
- (b) each State Association;
- (c) each ACB Contracted Player;
- (d) each State Contracted Player;
- (e) each Uncontracted Player;
- (f) each Overseas Player; and
- (g) each Rookie.

1.2 Definitions

The following definitions apply unless the context otherwise requires:-

“ACA” means the Australian Cricketers’ Association;

“ACB” means the Australian Cricket Board;

“ACB Contracted Player” means a person who receives a retainer from the ACB pursuant to an ACB Player Contract, but does not include a person who:

- (a) is in the final Contract Year of his ACB Player Contract; and
- (b) as at 30 April in that Contract Year, has not been nominated by the ACB as a player who will be offered a retainer for the forthcoming year;

“Guidelines” means the ACB’s Player Contracting and Remuneration Guidelines as amended by the ACB from time to time;

“Interstate Competition” means:

- (a) a match played as part of the Pura Cup competition;
- (b) a match played as part of the ING Cup competition;
- (c) a match against an international touring team; and
- (d) a second XI match;

“MOU” means the current Memorandum of Understanding between the ACA and the ACB;

“Overseas Player” means a person who does not hold Australian citizenship;

“Rookie” means a person who is a party to a Rookie Contract;

“State Association” means a member of the ACB;

“State Contracted Player” means a person who is a party to a State Player Contract or a Rookie Contract, but does not include an Overseas Player or a person who:

- (a) is in the final year of their State Player Contract or Rookie Contract; and

RULES FOR INTERSTATE COMPETITIONS

- (b) as at 31 May in that year, has not entered a new State Player Contract or Rookie Contract with the same State Association;

“Team” means any cricket team selected by a State Association to compete in an Interstate Competition;

“Transfer Pool” means the player transfer pool system prescribed from time to time in the Guidelines;

“Uncontracted Player” means a person who is registered to play cricket in competitions conducted under the auspices of a State Association, but does not include an ACB Contracted Player or a State Contracted Player.

1.3 Interpretation

- (a) Words used in these Rules will have the same meaning ascribed to them in the MOU, unless they are defined in clause 1.2 above.
- (b) If these Rules contemplate the doing of any act or thing on a particular date and that date falls on a weekend or a day that has been declared as a public holiday in Melbourne, the act or thing shall be done on the next business day.

2. ELIGIBILITY FOR SELECTION IN A TEAM

2.1 Make-up of Team

Subject to this clause 2, a State Association may only select the following players in its Teams:

- (a) ACB Contracted Players;
- (b) State Contracted Players;
- (c) Rookies;
- (d) Uncontracted Players; and
- (e) Overseas Players.

2.2 ACB Contracted Players

Subject to clauses 2.6 and 3.1 a State Association may only select an ACB Contracted Player in one of its Teams if:

- (a) that State Association is nominated as “*the Player’s State Association*” in his ACB Player Contract; and
- (b) the terms of his ACB Player Contract otherwise permit.

2.3 State Contracted Players

Subject to clauses 2.6 and 3.2 a State Association may only select a State Contracted Player in one of its Teams if he is contracted to the same State Association.

RULES FOR INTERSTATE COMPETITIONS

2.4 Uncontracted Players

- (a) Subject to clauses 2.6, 3.3 and 3.4 a State Association may only select an Uncontracted Player in one of its Teams if he is registered with the same State Association or if the club competition in which he last played was one conducted by the same State Association or one of its affiliates.
- (b) A State Association may not register a person who is already registered with another State Association without the prior written consent of that State Association.

2.5 Overseas Players

- (a) A State Association may select no more than one (1) Overseas Player in a particular Team.
- (b) An Overseas Player may only play for one State Association in a particular domestic cricket season.

2.6 Suspended Players

An ACB Contracted Player, a State Contracted Player, an Uncontracted Player or an Overseas Player who is serving a suspension (other than an international match-based suspension – e.g. 2 test matches) imposed by any properly constituted disciplinary authority (such as the ICC or ACB Code of Behaviour Commission, ACB Anti-Doping Committee, ACB Grievance Tribunal or a State Association or club disciplinary tribunal) will be ineligible for selection in any Team.

3. PLAYER TRANSFERS

3.1 ACB Contracted Players

- (a) An ACB Contracted Player may only apply to transfer to a different State Association from the State Association nominated in his ACB Player Contract (“**his home State Association**”) in accordance with the following procedure:
 - (i) the application must be in writing and in the form prescribed from time to time by the ACB;
 - (ii) the application must be lodged with the ACB and his home State Association between 31 March and 31 May in a particular year.
- (b) Within seven (7) days of receiving an application in accordance with this clause, the home State Association must decide whether or not to grant the player’s application and inform the player and the ACB of its decision in writing.
- (c) The home State Association may decide to grant or reject the player’s application in its absolute discretion and upon such terms and conditions as it sees fit but having regard always to the following factors:
 - (i) the player’s length of service to his home State Association;

RULES FOR INTERSTATE COMPETITIONS

- (ii) the State Association's contribution to the player's professional development (both within and outside cricket);
 - (iii) the player's reasons for wanting to transfer to a different State Association;
 - (iv) the extent to which the player has demonstrated a willingness to support his home State Association's involvement in Interstate Competitions;
 - (v) the player's prospects of career advancement, both within and outside cricket, if he were to be refused a transfer; and
 - (vi) whether the player owes any money to his home State Association or a club within the jurisdiction of his home State Association and has not made reasonable arrangements to repay that money.
- (d) A player may appeal a decision by the State Association under this clause in accordance with clause 7.

3.2 State Contracted Players

- (a) A State Contracted Player may only apply to transfer to a different State Association in accordance with the following procedure:
- (i) the application must be in writing and in the form prescribed from time to time by the ACB;
 - (ii) the application must be lodged with the ACB and his home State Association.
- (b) Within seven (7) days of receiving an application in accordance with this clause, the home State Association must decide whether or not to grant the player's application and inform the player and the ACB of its decision in writing.
- (c) The home State Association may decide to grant or reject the player's application in its absolute discretion and upon such terms and conditions as it sees fit.
- (d) A player may appeal a decision by the State Association under this clause in accordance with clause 7.

3.3 Uncontracted Players – Under the Transfer Pool System

- (a) An Uncontracted Player may transfer to a different State Association under the Transfer Pool system by:
- (i) nominating for the Transfer Pool in accordance with the Guidelines; and
 - (ii) subsequently entering into a contract with a different State Association in accordance with the Guidelines.
- (b) The player's home State Association may object to the player transferring to another State Association under the Transfer Pool system in the following circumstances:

RULES FOR INTERSTATE COMPETITIONS

- (i) If the player owes money to his home State Association or a club that is a constituent of his home State Association and has not, within 48 hours of receiving a written demand from his home State Association, repaid that money or made arrangements (to the reasonable satisfaction of his home State Association) to repay that money; or
 - (ii) if the player, by transferring to another State Association, would be in breach of his contractual obligations to a club that is a constituent of his home State Association.
- (c) A State Association wishing to object to the transfer of an Uncontracted Player in accordance with clause 3.3(b) must do so in accordance with the procedure set out in clause 7.

3.4 Uncontracted Players – Outside the Transfer Pool System

- (a) An Uncontracted Player wishing to play in a Team may, from 1 July to 28 February next, apply to transfer to a different State Association in accordance with the following procedure:
- (i) the application must be in writing and in the form prescribed from time to time by the ACB; and
 - (ii) the application must be lodged with the ACB and his home State Association.
- (b) Within seven (7) days of receiving an application in accordance with clause 3.4(a), the home State Association must decide whether or not to grant the player's application and inform the player and the ACB of its decision in writing.
- (c) The player's home State Association must grant the player's transfer application under this clause in the following circumstances:
- (i) if the player owes money to his home State Association or a club that is a constituent of his home State Association and, within 48 hours of receiving a written demand from his home State Association, has repaid that money or made arrangements (to the reasonable satisfaction of his home State Association) to repay that money; or
 - (ii) if the player, by transferring to another State Association, would not be in breach of his contractual obligations to a club that is a constituent of his home State Association.
- (d) A player whose home State Association has refused to grant his transfer application under this clause 3.4 may appeal that decision in accordance with the procedure set out in clause 7.

4. DEALINGS BETWEEN STATE ASSOCIATIONS

A State Association must not (and must ensure that its constituent clubs do not) hold discussions with an ACB Contracted Player or a State Contracted Player who

RULES FOR INTERSTATE COMPETITIONS

is bound to another State Association concerning the possible transfer of that player without first informing the player's home State Association by facsimile, e-mail or other form of contemporaneous written communication of its intention to do so. In this clause:

- (a) a reference to an ACB Contracted Player or a State Contracted Player includes their manager or agent (whether acting with the knowledge of the player or not); and
- (b) a reference to a State Association includes an officer (including a committee member or director), employee or agent of the State Association.

5. CLUBS BOUND

- 5.1 Each State Association will ensure that each club that fields teams in competitions conducted by or under the auspices, control or direction of that State Association complies with clause 4 above as if that club was a State Association for the purpose of that clause.
- 5.2 In the event a club engages in conduct that is subsequently found under these Guidelines to be in breach of clause 5.1, the relevant State Association shall be deemed to have breached clause 4.

6. DISCIPLINE

6.1 Reports

- (a) Any party who is bound by these Rules may make a report with the Chief Executive Officer of the ACB alleging that another party (and/or a club, in the case of clause 4) has failed to adhere to these Rules.
- (b) A report made in accordance with clause 6.1(a) must be in writing and set out particulars of the alleged breach.
- (c) Subject to clauses 6.1(d) and (e), as soon as practicable after receiving a report under this clause 6.1, the Chief Executive Officer must refer the report to the ACB's Grievance Tribunal for hearing.
- (d) The Chief Executive Officer may, if he deems it appropriate having regard to the contents and subject matter of a report made in accordance with this clause 6.1, appoint an investigator to investigate the subject matter of the report and recommend whether the report should be referred to the Grievance Tribunal for hearing. The Chief Executive Officer shall be required to act in accordance with the recommendation of the investigator in determining whether or not to refer the report to the Grievance Tribunal for hearing.
- (e) If the Chief Executive Officer forms the view at any time after receiving a report under this clause but before referring it to the Grievance Tribunal for hearing that the report is vexatious or is so lacking in substance as to have

RULES FOR INTERSTATE COMPETITIONS

no prospects of being found by the Grievance Tribunal to constitute a breach of these Rules, the Chief Executive Officer may elect not to refer the report to the Grievance Tribunal for hearing.

- (f) In the event the Chief Executive Officer does not refer the report to the Grievance Tribunal for hearing, as soon as possible after making that decision, he shall write to the person who made the report to advise him accordingly.

6.2 Proceedings of the ACB's Grievance Tribunal – Discipline

- (a) The ACB's Grievance Tribunal shall comprise the ACB Code of Behaviour Commissioner (or his nominee) as Chairperson, a nominee of the ACB (not being an officer, member or employee of the ACB) and a nominee of the ACA (not being an officer, member or employee of the ACA).
- (b) The Grievance Tribunal may hear and determine reports referred to it under clause 6.1 in such manner as it sees fit, provided always that it accords procedural fairness to all parties likely to be affected by its decision.
- (c) If the Grievance Tribunal decides that a party has breached these Rules (including, in the case of a State Association, a direct breach or a deemed breach by virtue of the acts or omissions of one of its constituent clubs), the Grievance Tribunal may, after giving the relevant party a further opportunity to be heard, impose such penalty as it deems appropriate, including a fine and/or period of suspension. The penalty for a breach (or deemed breach) of clause 4 by a State Association will be a fine of up to \$50,000 per breach.
- (d) The Grievance Tribunal shall be responsible for maintaining a register of all reports heard and action taken ("**the Disciplinary Register**"). The Grievance Tribunal may refer and have regard to the Disciplinary Register when deciding the nature and extent of any penalty to be imposed pursuant to this clause.
- (e) All decisions of the Disciplinary Tribunal are final and binding.
- (f) Any fine imposed on a State Association must be paid within seven (7) days.

7. APPEALS

7.1 Who may Appeal?

- (a) An ACB Contracted Player, a State Contracted Player, or an Uncontracted Player may appeal against any decision by his home State Association not to grant his application to transfer to another State Association under clauses 3.1, 3.2 or 3.4 (as the case may be) within seven (7) days of receiving notice of that decision.
- (b) A State Association may appeal against an Uncontracted Player's decision to nominate for the Transfer Pool under clause 3.3, within seven (7) days

RULES FOR INTERSTATE COMPETITIONS

of receiving notice from the ACB of the player's nomination for the Transfer Pool.

7.2 How is an appeal lodged?

An appeal pursuant to clause 7.1 must be in writing, signed by the appellant and be in the form prescribed from time to time by the ACB. The appeal must be lodged with the ACB within the time prescribed by clause 7.1 and a copy must be served on the respondent to the appeal.

7.3 Who hears the Appeal?

An appeal lodged in accordance with this clause shall be heard and determined by the Grievance Tribunal as a hearing *de novo*.

7.4 Factors to be taken into account

In determining an appeal against a decision made under clause 3.1, 3.2, 3.3 or 3.4, the Grievance Tribunal shall take into account such factors (if any) as were required to be taken into account pursuant to those clauses and such other factors as it deems appropriate.

7.5 Proceedings of the ACB's Grievance Tribunal – Appeals

- (a) The ACB's Grievance Tribunal shall comprise the ACB Code of Behaviour Commissioner (or his nominee) as Chairperson, a nominee of the ACB (not being an officer, member or employee of the ACB) and a nominee of the ACA (not being an officer, member or employee of the ACA).
- (b) The Grievance Tribunal may hear and determine appeals under this clause 7 in such manner as it sees fit, provided always that it accords procedural fairness to the parties concerned.
- (c) The onus shall be on the appellant to establish that the circumstances warrant the player being granted or refused a transfer (as the case may be).
- (d) The Grievance Tribunal may, but is not required to, issue written reasons for its decision.
- (e) All decisions of the Grievance Tribunal under this clause 7 are final and binding.